

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION[605]

Adopted and Filed Emergency

Pursuant to the authority of 2009 Iowa Acts, House File 64, division III, section 8, the Homeland Security and Emergency Management Division adopts Chapter 13, "Community Disaster Grants," Iowa Administrative Code.

New Chapter 13 is intended to implement 2009 Iowa Acts, House File 64, which creates the Community Disaster Grant Program and provides an appropriation. Chapter 13 is intended to specify how the Homeland Security and Emergency Management Division will administer the grant program.

In compliance with Iowa Code section 17A.4(3), the Homeland Security and Emergency Management Division finds that notice and public participation regarding these rules are impracticable because of the immediate need to disburse the grant funds in accordance with 2009 Iowa Acts, House File 64, division III.

The Homeland Security and Emergency Management Division also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these rules should be waived and these rules should be made effective on February 2, 2009, as they confer a benefit upon the citizens of Iowa.

The Iowa Homeland Security and Emergency Management Division adopted this chapter on February 2, 2009.

This amendment is also published herein under Notice of Intended Action as **ARC 7581B** to allow for public comment.

These rules became effective February 2, 2009.

These rules are intended to implement 2009 Iowa Acts, House File 64, division III.

The following amendment is adopted.

Adopt the following new 605—Chapter 13:

CHAPTER 13 COMMUNITY DISASTER GRANTS

605—13.1(29C,83GA,HF64) Purpose. In accordance with 2009 Iowa Acts, House File 64, the homeland security and emergency management division shall award disaster recovery grants to cities and counties based on their pro-rata share of damage costs associated with Presidential disaster declaration DR-1763-IA and incurred after May 24, 2008, and before August 14, 2008. The pro-rata share shall be based on the obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. The grant moneys shall be used by the eligible recipients for disaster-related costs not otherwise funded by federal or nonfederal sources. Each eligible city and county that completes and submits an application by April 1, 2009, shall receive a minimum of \$2,000. Community disaster grants are not covered by the competitive grant procedures set forth in 605—Chapter 8.

605—13.2(29C,83GA,HF64) Eligibility. Eligible recipients are those cities and counties located within the declared counties for Presidential disaster declaration DR-1763-IA. The incident period for this disaster is from May 24, 2008, to August 14, 2008.

605—13.3(29C,83GA,HF64) Notification of eligibility.

13.3(1) The administrator shall notify each eligible recipient of the availability of funds and provide to the eligible recipient the associated application for grant funds. The notification shall also include an estimated allocation based on rule 13.5(29C,83GA,HF64).

13.3(2) The notification shall be made to the chairpersons of the board of supervisors for eligible counties and the mayors of eligible cities.

13.3(3) The notification shall specify that all applications shall be mailed to the Iowa Homeland Security and Emergency Management Division, 7105 NW 70th Avenue, Camp Dodge, Building W-4, Johnston, Iowa 50131.

13.3(4) All applications shall be received by the division no later than April 1, 2009. Applications received after April 1, 2009, will be rejected, and no grant funding will be provided to the applicant. The applicant's allocated funds will be allocated on a pro-rata share basis amongst the applications that were received in a timely manner and in accordance with rule 13.5(29C,83GA,HF64).

605—13.4(29C,83GA,HF64) Eligible use of the grant funds.

13.4(1) Moneys awarded under this grant program shall be used by the recipient for disaster-related costs not otherwise funded by federal or nonfederal sources and may be used for any of the following purposes:

- a. Nonprofit organization assistance.
- b. Assistance for the public purchase of land and accompanying structures if financial assistance for such purchases is not available from the Federal Emergency Management Agency or when a nonfederal match is required for a grant involved in the public purchase of land and accompanying structures.
- c. Assistance for the repair, replacement, or upgrade of public infrastructure damaged by the disaster, including measures to assist in the mitigation of future damage due to natural disasters.
- d. Assistance for the increased costs associated with the reevaluation and assessment of property due to the natural disasters occurring in 2008.
- e. Small business assistance.
- f. Assistance for the replacement or rehabilitation of housing.

13.4(2) The associated chairperson or mayor shall certify that funds received in accordance with this grant will be used for disaster-related costs not otherwise funded from a federal or nonfederal source.

13.4(3) Any funds not spent in accordance with the eligible uses as defined in this rule will be subject to recoupment by the division.

605—13.5(29C,83GA,HF64) Allocation of grant funds.

13.5(1) The preliminary allocation of grant funds shall be conducted on February 2, 2009. This allocation shall be based on a pro-rata share of each eligible recipient's disaster damage costs associated with Presidential disaster declaration DR-1763-IA as calculated by obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. Each eligible recipient shall be allocated at least \$2,000.

13.5(2) The final allocation of funds shall be conducted on April 2, 2009. An eligible recipient shall be considered a qualified recipient only if the recipient has completed and submitted the approved application on or before April 1, 2009. The allocation shall be based on a pro-rata share of each qualified recipient's disaster damage costs associated with Presidential disaster declaration DR-1763-IA as calculated by obligated funds from the Federal Emergency Management Agency Individual Assistance Program and Small Business Administration Disaster Loan Program as of February 2, 2009. Each qualified recipient shall receive at least \$2,000.

605—13.6(29C,83GA,HF64) Application for grant funds.

13.6(1) The application for the grant funds allocated according to these rules shall include the following information:

- a. The name of the city or county making the request.
- b. The county in which the city is located.
- c. The name of the mayor or chairperson of the board of supervisors who will sign the application.
- d. The address of the recipient.
- e. Specifications for individual projects that the recipient has selected for grant funding to include the following:

- (1) Category of the individual project in accordance with rule 13.4(29C,83GA,HF64);

- (2) Narrative of proposed work to be completed;
- (3) Anticipated costs, including detail of major cost elements;
- (4) Time line of milestones and a completion date of the project no later than June 30, 2010;
- (5) Detail of governance structure used to administer the funds for the recipient, including designation of community disaster grant manager;
- (6) Performance measures and basis of evaluation for project.

13.6(2) The application shall require the recipient to certify that the projects listed in the application are for disaster-related costs that have not otherwise been funded from other federal or nonfederal sources.

13.6(3) The application shall require the recipient to certify that the recipient will submit a written report to Iowa homeland security and emergency management by January 1, 2010, specifying the allocation and uses of the moneys received from this grant.

13.6(4) The application shall require the recipient to certify that the recipient understands these funds may be subject to audit by the state auditor.

13.6(5) The application will be created by the division and included in the initial notification as specified in rule 13.3(29C,83GA,HF64). Additionally, the division will make the application and these rules available on the division's Web site, www.iowahomelandsecurity.org.

These rules are intended to implement Iowa Code chapter 29C and 2009 Iowa Acts, House File 64, section 8.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/25/09.